

**DECLARATION FOR UTILITY OR
DESIGN PATENT APPLICATION**

- ☒ DECLARATION SUBMITTED WITH INITIAL FILING
☐ DECLARATION SUBMITTED AFTER INITIAL FILING

Attorney docket number: 356A PCT/US
First Named Inventor: Cerasoli

Application No: based on PCT/US97/22454
Filing Date: 12/9/97
Group Art Unit:
Examiner Name:

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am one of the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **Expression of Proteins for Treating Asthma Via Ligand Mediated Expression of Their Encoding Genes**, the specification of which

[] is attached hereto.

[x] was filed on December 9, 1997 as Application Serial No. PCT/US97/22454

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, CFR 1.56(a).

I hereby claim foreign priority benefits under Title 35, USC 119 or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

<u>Number</u>	<u>Country</u>	<u>Foreign Filing Date</u>	<u>Priority Claimed</u>
PCT/US97/22454	PCT	12/9/97	yes

I hereby claim the benefit under Title 35, USC 119(e) of any United States provisional application(s) listed below

<u>Number</u>	<u>Filing Date</u>
60/032,260	12/9/96

As a named inventor, I hereby appoint each of the following to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

David L. Bernstein, Registration No. 31,235
Sharon F. Hausdorff, Registration No. 43,664

of: ARIAD Pharmaceuticals, Inc.
26 Landsdowne Street
Cambridge, Massachusetts 02139-4234
Telephone: 617-494-0400 Ext. 266 / Facsimile: 617-494-0208

Direct all correspondence to:

David L. Bernstein, Registration No. 31,235
ARIAD Pharmaceuticals, Inc.
26 Landsdowne Street
Cambridge, Massachusetts 02139-4234
Telephone: 617-494-0400 Ext. 266 / Facsimile: 617-494-0208

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Franklin Cerasoli, Jr.

Inventor's signature  Date 080999

Residence 101 Blanchette Drive, Marlborough, Massachusetts 01752

Post Office Address Same

Citizenship US

ARIAD 356A PCT/US

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN

Docket Number (Optional)
 356A PCT/USC1

Applicant or Patentee: Franklin Cerasoli, Jr.

Serial or Patent No.: Unknown

Filed or Issued: Herewith

Title: Expression of Proteins for Treating Asthma Via Ligand Mediated Activation of Their Encoding Genes

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN ARIAD Gene Therapeutics, Inc

ADDRESS OF SMALL BUSINESS CONCERN 26 Landsdowne Street, Cambridge, MA 02139-4234

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for the purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For the purposes of this statement, (1) the number of employees of the business concern is the average of the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.
☐ each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief and believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING David L. Bernstein

TITLE OF PERSON IF OTHER THAN OWNER Sr. Vice President - Chief Patent Counsel

ADDRESS OF PERSON SIGNING 26 Landsdowne Street, Cambridge, MA 02139-4234

SIGNATURE

David L. Bernstein

DATE

3/1/02

COPY

ASSIGNMENT

WHEREAS, I, Franklin Cerasoli Jr., residing in Marlborough, Massachusetts (herein called "Assignor"), am the sole inventor of the invention in Expression of Proteins for the Treatment of Asthma Via Ligand Mediated Expression of their Encoding Genes for which I have executed an application for a Patent of the United States which was filed on August 9, 1999, as US Serial No. 09/367,170, and which was based on PCT/US97/22454, filed 12/9/97.

and WHEREAS, ARIAD Gene Therapeutics, Inc. (herein called "Assignee"), having an address at 26 Landsdowne Street, Cambridge, Massachusetts 02139 is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, I, the said Assignor, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said Assignee, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said United States application and all division, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such application and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

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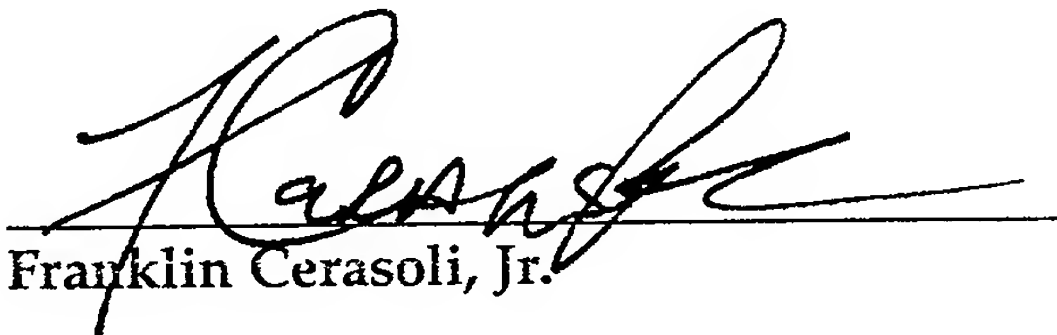
AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said Assignee, its successors, legal representatives and assigns, any facts know to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said Assignee, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date 080999


Franklin Cerasoli, Jr.

Commonwealth of Massachusetts
County of Middlesex

On this 9th day of August, 1999, before me personally appeared Franklin Cerasoli, Jr.
to me known and known to me to be the person of that name, who signed and sealed the foregoing
instrument and acknowledges the same to be his free act and deed.



BARBARA D. MATYSKIEL
Notary Public
My Commission Expires April 7, 2000

ASSIGNMENT

WHEREAS, I, Franklin Cerasoli Jr., residing in Marlborough, Massachusetts (herein called "Assignor"), am the sole inventor of the invention in Expression of Proteins for the Treatment of Asthma Via Ligand Mediated Expression of their Encoding Genes for which I have executed an application for a Patent of the United States which was filed on August 9, 1999, as US Serial No.

09/367,170, and which was based on PCT/US97/22454, filed 12/9/97.

and WHEREAS, ARIAD Gene Therapeutics, Inc. (herein called "Assignee"), having an address at 26 Landsdowne Street, Cambridge, Massachusetts 02139 is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, I, the said Assignor, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said Assignee, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said United States application and all division, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such application and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

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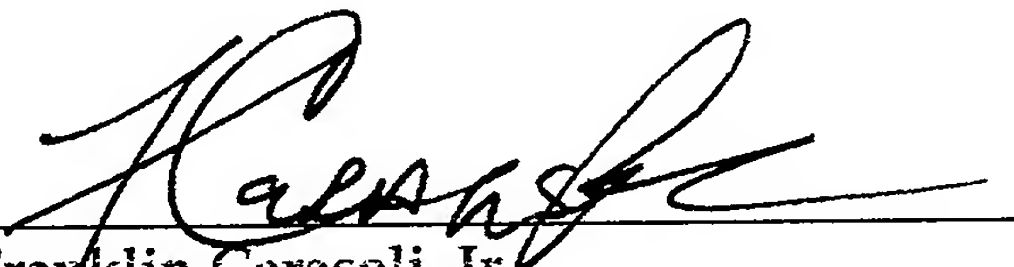
AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said Assignee, its successors, legal representatives and assigns, any facts know to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said Assignee, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date 080999


Franklin Cerasoli, Jr.

Commonwealth of Massachusetts
County of Middlesex

On this 9th day of August, 1999, before me personally appeared Franklin Cerasoli, Jr.
to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument and acknowledges the same to be his free act and deed.



BARBARA D. MATYSKIEL
Notary Public
My Commission Expires April 7, 2000